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*A Guide to*  
**Registering your business  
name in Ontario**

**Ministry of  
Consumer and  
Commercial Relations**

**VISION**

To promote a fair, safe and  
informed marketplace which  
supports a competitive  
economy in Ontario.

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*Ontario's Business Names Act came into effect in 1991. All businesses, including those offering services that were previously exempt, must now register their business name with the Companies Branch of the Ministry of Consumer and Commercial Relations. These include businesses such as consultants, barbers and hairdressers, as well as plumbers and other home and building contractors.*

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Choosing the right name for your new business is an important decision. You want a name that will draw potential customers, help clients identify your company and build your business image. A name that is easy to remember and provides information about the products or services you offer is always a good choice.

If the name of your business is or will be different than your own name, it must be registered with the Companies Branch before you start using it.

This brochure explains what every business person should know about the Business Names Act.

## Who must register?

The Business Names Act applies to **all** types of businesses that operate under a name other than the owner's.

The law requiring you to register your business name with the Companies Branch applies to:

- sole proprietorships (one owner) carrying on business under a name other than the owner's name;
- partnerships carrying on business under a name other than the names of the partners (this doesn't apply to limited partnerships carrying on business under the Limited Partnerships Act);
- Limited Liability Partnerships (currently, only chartered accountants and law firms can form a Limited Liability Partnership);
- corporations carrying on business under a name other than their corporate name; and
- effective July 15, 1996, an existing General Partnership or Limited Partnership may register an additional business name.

Registration forms are available in Companies Branch.

In the case of sole proprietorships and partnerships, any business name other than the owner's name must be registered. For example, if John Smith conducts business as "John Smith," he won't need to register the name. But if he operates as "John Smith's Shoes," he will have to register the name.

As another example, if John Smith and Jane Brown operate a partnership as "Smith and Brown," registration is necessary.

Corporations must register all names they use to carry on business if these are not the same as the corporate names. For example, if "Jane Brown Shoes Limited" also operates as "Brown's Shoes," the business name must be registered.

## **What does registration do?**

Registration places your business name in the public record maintained by the Companies Branch of the Ontario Ministry of Consumer and Commercial Relations. This allows consumers and business people to find the owners or the principals behind a business name. This sort of information is important to people trying to settle disputes. Anyone may search business name information contained in the public record during



regular hours for a fee. Registering a business name does not give you exclusive use of the name.

## **Choosing a business name**

Choose a distinctive name to stand out from your competitors. Make sure the name is not misleading or confusing in its description of the goods or services you will provide.

## **What it can't be**

When choosing your business name, remember that certain words or expressions cannot be used.

- Words or expressions, in any language, that are obscene or objectionable in nature.
- Words that imply the business is a different type of organization. For example, you may not imply that a sole proprietorship is a partnership. You may not use numbers or words that imply the business name is a corporate number name.
- The words “college,” “institute” or “university” cannot be used without the written consent of the Ministry of Education and Training, if using the word implies the business is a post-secondary institution.

- You may not use the words “limited,” “corporation” or “incorporated.”
- Words with restricted use under federal or Ontario laws.
- Words that imply the business is associated with the Crown or the Government of Canada, any province of Canada or any municipal government may not be used without the written consent of the appropriate authority.
- Names of individuals may not be used unless they have or had a material interest in the business activity and have given their written permission. If an individual is not living, and the name is used within 30 years of the date of death, the written consent of the estate must be obtained.

It's your responsibility to make sure your business name does not contain any of the above words or expressions unless proper consent has been obtained.

Business names must be registered in the Roman alphabet (English, French, Spanish, Italian, Latin, etc.) and may contain numerals.

The following marks may also be included in the name, but may not be used as the first character:

! " # \$ % & ' ( ) \* + , - .  
/ : ; < = > ? [ ] \ ^ \_ ` { | } ~

Business names composed of characters from other alphabets must be translated and registered in a language using the Roman alphabet.

A business name in a language other than one using the Roman alphabet may be used in advertising and signs, but the business name must also be displayed in a language using the Roman alphabet.

For example, a business that registers its name in English may have letterhead or signs in Chinese characters as long as the English name is also displayed at the place of business.

## **Name search**

Before making a final decision on your business name and ordering forms or stationery, you may want to know if someone else is already using the name. A search through the Companies Branch records will determine whether another business is using the name you have selected and where that business is located.

When conducting a name search, the Companies Branch will look only for the specific name requested. It's a good idea to request more than one search if you are interested in variations of a particular name. For example, "Smith's Shoe Shop" and "Smith's Shoe Shoppe" would require two separate searches.

Searches can be conducted in person at the Companies Branch public office during regular business hours, through the mail or at one of the Ontario Business Connects workstations. There is a fee for each name searched.

Names of corporations can also be searched at the Companies Branch. You may also wish to check the New Upgraded Automated Name Search (NUANS) database, a Canada-wide corporate and business name registry. An Ontario-biased NUANS search report is required for Ontario corporations. Private search houses, listed in the yellow pages of your local phone book under "Searchers of Records," will assist you. (A NUANS search report will display corporations, business names and trademarks which are similar to the name you have searched.)



The Business Names Act does not prohibit registration of identical names, but if you decide to use the same name or if you use a name that is confusingly similar to that of an existing business, it could result in a lawsuit.

**The person registering the name assumes full responsibility for any risk of confusion with an existing corporation, business name or trademark.**

**You can get protection for your business name through a trademark.** You should talk to your lawyer or contact Industry Canada (IC) for more information on trademarks. IC's address is listed at the end of this brochure.

## **Liability**

The registrant of a business name who feels he/she has suffered damages because someone else used the same name or one that is deceptively similar can take legal action. The Business Names Act provides for payment of minimum compensation of \$500 if damages are proven.

Companies Branch staff cannot provide specific advice on name selection. If you are not sure about the use of a name, you should consult a lawyer.

## **No special powers**

Registering a name does not give a business special powers. If you need licences, other registration or certification to run your business, registering your name does not exempt you from obtaining the necessary documents. It's up to you to learn what laws apply to your business. A lawyer or business consultant can help you do this.

## **Registration**

Business names can be registered by visiting the public office of the Companies Branch, one of the many Ontario Business Connects workstations located throughout Ontario (*see page 16*) or by mail. Forms and fee schedules are available from the branch or at local land registry offices across the province.

If you are registering in person, the registration can be completed the same day.

The following information is required:

- name and address of the business
- description of the business activity to be carried out.

If you are registering a sole proprietorship, you must include your name and home address or an address where legal papers can be served. A post office box is not acceptable.

If you are registering a partnership with 10 or fewer partners, you must include the names and home addresses or addresses where legal papers can be served for all partners. Corporate partners must also include their Ontario corporation number.

Partnerships with more than 10 partners may choose one or more partners to register the business name, eliminating the need to file information on all partners. In this case, the designated partner must keep the required information (the partners' names, home addresses or addresses where legal papers can be served) on record at the place of business. The same partner must also permit any person to inspect the record

and make a copy free of charge during normal business hours.

Any corporation registering a business name must provide the Ontario corporation number and jurisdiction of incorporation.

Upon registration, you will be given a document confirming the registration showing the registration and expiry dates as well as the business identification number. The registration period is five years, after which the registration must be renewed and a renewal fee paid. The branch does not issue reminders. It is your responsibility to ensure that your business name registration is renewed on time.

To ensure the public record is accurate, you must advise the Companies Branch when the information in your registration becomes out of date. Changes in address, business activity or partners must be filed within 15 days. There is no filing fee.

Changing the name of your business registration is considered a new registration and the applicable fee applies. Changing the kind of registration, e.g. a partnership registration to a sole proprietorship, is also considered a new registration.



Also, if the business ceases to operate, you should cancel your business name registration for which there is no filing fee.

## **Master Business Licence**

Start-up businesses registering their business through any of the Ontario Business Connects workstations will get their Master Business Licence immediately following registration, or by mail when registering through the Ontario Business Connects website. Clients can use the Master Business Licence as proof of business registration at financial institutions and as part of any other business-related program registration in Ontario.

This licence will eventually replace many of the government forms, licences and certificates required by businesses.

For more information on the Master Business Licence, the location of the nearest Ontario Business Connects computer workstation, or to order your free business start-up customized registration application form, call our Helpline toll free at 1-800-565-1921 or (416) 314-9151, TTY (416) 326-8566.

Visit our website to register your business electronically at:  
<http://www.ccr.gov.on.ca/obcon/welcome.htm>

## **Penalties**

The Business Names Act provides for fines of up to \$2,000 for individuals or \$25,000 for corporations for failure to register or for registration of false or misleading information.

## **Where do businesses register?**

Business names may be searched and registered in person from 8:30 a.m. to 5:00 p.m. on normal business days, at:

**Companies Branch**  
**Ministry of Consumer and Commercial Relations**  
**Second floor, 375 University Ave.**  
**Toronto, Ontario M5G 2M2**

To reach the Companies Branch public office, take the **escalator** from the lobby of 375 University Ave. to the second floor.

The Companies Branch Helpline, an automated voice-response system, is available 24 hours a day to answer the most commonly asked questions. It is also staffed from 8:30 a.m. to 5:00 p.m. on normal business days.

You can reach the Helpline through either of these numbers: **(416) 314-8880 or toll-free in Ontario 1-800-361-3223.**

Forms are also available from local land registry offices across the province. These are listed in the blue pages of your local telephone directory.

## **Ontario Business Connects**

A service called Ontario Business Connects has simplified and streamlined the business registration process. New entrepreneurs and existing corporations can electronically complete the most important forms to register their businesses at one location, including applications for Business Name Registration, Retail Sales Tax Vendor Permit, Employer Health Tax, and Workplace Safety and Insurance Board (formerly known as Workers' Compensation Board) and assistance in obtaining a Federal Business Number.

For more information on the location of the nearest Ontario Business Connects computer workstation, or to order your free business start-up customized registration application form, call the Helpline at 1-800-565-1921 or (416) 314-9151, TTY (416) 326-8566.

## **For further information:**

For information about patents, copyrights, trademarks and logos contact:

Canada-Ontario Business Service Centre  
at: (416) 954-4636 or 1-800-567-2345.

## **Starting a business**

The Canada-Ontario Business Service Centre has a fax-back information sheet covering many basic aspects of new business planning. For your copy, call: (416) 954-INFO (4636) or 1-800-567-2345.

The Ministry of Economic Development, Trade and Tourism operates business self-help offices across the province that offer information or advice to anyone wanting to start their own business.



Each office provides access to resource materials and advice on preparing a business plan, managing a new business and government assistance available to entrepreneurs.

You can find the business self-help offices in:

## **Southern Ontario**

Brampton

Tel: (905) 874-2650

Brantford

Tel: (519) 759-4150

Ext. 256

or 1-800-563-9999

Hamilton-Wentworth

Tel: (905) 689-2488

Ext. 225

Huntsville

Tel: (705) 789-1751

Ext. 2256

Ingersoll

Tel: (519) 425-0401

Kitchener

Tel: (519) 741-2604

London

Tel: (519) 659-2882

Ext. 225

Markham

Tel: (905) 475-4890

Mississauga

Tel: (905) 615-3275

Oakville

Tel: (905) 825-6300

St. Catharines

Tel: (905) 688-5600

Scarborough

Tel: (416) 396-7169

Toronto  
145 Front St. East  
Tel: (416) 415-2370

Toronto  
City Hall  
Tel: (416) 392-6646

Windsor  
Tel: (519) 253-6900

## **Eastern Ontario**

Cobourg  
Tel: (905) 372-9279

Cornwall  
Tel: (613) 933-0074  
or 1-888-267-6925

Hawkesbury  
Tel: (613) 632-7057

Kingston  
Tel: (613) 544-2725

Ottawa  
Tel: (613) 560-6081

Peterborough  
Tel: (705) 743-0777  
Ext. 225

Renfrew  
Tel: (613) 432-6848

Smith Falls  
Tel: (613) 283-4124

## **Northern Ontario**

Haileybury  
Tel: (705) 672-5155      *or*      1-800-361-2281

North Bay

Tel: (705) 474-0400      *or*      1-800-465-6892  
Ext. 425

Sault Ste. Marie

Tel: (705) 759-5461      *or*      1-800-565-4507

Sudbury

Tel: (705) 673-4161      *or*      1-800-668-7582

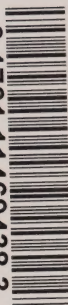
Thunder Bay

Tel: (807) 625-3972      *or*      1-800-668-9360

Timmins

Tel: (705) 360-8482      *or*      1-800-461-2936

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## **Be an informed consumer**

The Ontario Ministry of Consumer and Commercial Relations has published a number of other booklets covering a wide range of consumer topics.

For further information or to obtain copies of the ministry brochures call or write to:

General Inquiry Unit  
Ministry of Consumer and Commercial Relations  
250 Yonge Street  
Toronto ON M5B 2N5

(416) 326-8555

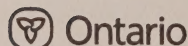
1-800-268-1142

(416) 326-8566 - TTY (Telephone for the deaf)

Ministry Web site: <http://www.ccr.gov.on.ca>

**We 'd like to hear from you.**

**Cette publication est également disponible en français sous le titre *L'enregistrement du nom de votre entreprise en Ontario.***



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